

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:

[1 – Name of Debtor(s)],

Debtor(s).

CASE NO. [2 – Case No.]

[1 – Name of Debtor(s)],

Movant(s),

vs.

[3 – Name of Lienholder],

Respondent.

CONTESTED MATTER

CHAPTER 7

ORDER GRANTING MOTION TO STRIP LIEN

The Debtor(s) **has/have** filed a motion that requests determination of the secured status of the claim of the Respondent (the “Motion”). [Docket No. **[4 –Docket No.]**. The Motion asserts that the Respondent holds a claim secured by a deed to secure debt on real property owned by the Debtor(s) known generally as **[5 – Property Address]** (the “Property”); that Respondent’s deed to secure debt is subordinate to another deed to secure debt; and that the value of the Property is less than the amount of debt secured by the first priority deed to secure debt.

The Motion and notice of a hearing on it were properly served on the Respondent, which did not file a response or appear at the hearing to oppose it.

The Motion seeks to void the junior security interest held by the Respondent pursuant to 11 U.S.C. §§ 506(a) and (d). For the reasons set forth in *McNeal v. GMAC Mortgage, LLC (In re McNeal)*, No. 11-11325 (11th Cir. May 11, 2012) (subsequently published August 2, 2013), the Motion is **GRANTED**.

It is, therefore, hereby **ORDERED** as follows:

1. The junior lien on the Property held by the Respondent is deemed void with respect to the interest of the Debtor(s) in the Property and shall be extinguished automatically, without further court order, upon entry of the Chapter 7 discharge in this case.
2. In the event this case is dismissed, the lien of the Respondent shall not be affected by this Order in accordance with 11 U.S.C. § 349(b)(1)(C).
3. In the event this case is converted to a case under another Chapter of the Bankruptcy Code, the rights of the Respondent with regard to its lien shall be governed by the provisions of the Bankruptcy Code applicable in the converted case such that the lien of the Respondent shall not be affected by this Order.

**[End of Order]**